

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COOPER-STANDARD
AUTOMOTIVE, INC.,

Plaintiff,

Case No. 22-cv-11083
Hon. Matthew F. Leitman

v.

AMPHENOL THERMOMETRICS, INC., *et al.*,

Defendants.

/

**ORDER TERMINATING PLAINTIFF'S MOTION TO DISMISS
COUNTERCLAIM WITHOUT PREJUDICE AS MOOT (ECF No. 22)**

On May 18, 2022, Plaintiff Cooper-Standard Automotive, Inc. filed this action against Defendants Amphenol Thermometrics, Inc. and Amphenol Advanced Sensors Puerto Rico, LLC (“Amphenol Puerto Rico”). (*See* Compl., ECF No. 1.) Amphenol Puerto Rico has now filed a Counterclaim against Cooper-Standard. (*See* Counterclaim, ECF No. 18.) In the Counterclaim, Amphenol Puerto Rico alleges, among other things, that Cooper-Standard breached the parties’ contract. (*See id.*) Cooper-Standard thereafter filed a motion to dismiss Amphenol Puerto Rico’s Counterclaim. (*See* Mot., ECF No. 22.)

On January 11, 2023, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Amphenol Puerto Rico leave to file a First Amended Counterclaim in order to remedy the alleged deficiencies in its

claims identified by Cooper-Standard in the motion to dismiss. (*See* Order, ECF No. 26.) The Court informed the parties that if Amphenol Puerto Rico provided notice that it intended to file a First Amended Counterclaim, the Court would terminate Cooper-Standard's motion to dismiss without prejudice. (*See id.*)

On January 23, 2023, Amphenol Puerto Rico filed a notice with the Court that it intends to file a First Amended Counterclaim. (*See* Notice, ECF No. 26.) Accordingly, because Amphenol Puerto Rico will be filing a First Amended Counterclaim, the Court **TERMINATES** Cooper-Standard's motion to dismiss (ECF No. 22) **WITHOUT PREJUDICE AS MOOT**. Cooper-Standard may re-file its motion to dismiss directed at the First Amended Counterclaim if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

Dated: January 26, 2023

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 26, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126